

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

SEE ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE ATTACHMENT

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State Court, give name of court

☒ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

4-08-70330WDB

 Name and Office of Person
 Furnishing Information on
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

ANDREW S. HUANG, AUSA

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

MABELLE DE LA ROSA DANN

DISTRICT COURT NUMBER

CR-08-0390 CW

 FILED
 FEB - 4 2009
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

Attachment to Penalty Sheet
United States v. Mabelle de la Rosa Dann, No. CR 08-0390 CW

Count One: 18 U.S.C. §§ 371 and 1546(a) – Conspiracy to commit visa fraud

Penalties: maximum of 5 years imprisonment, 3 years supervised release, \$250,000 fine, and \$100 special assessment

Count Two: 18 U.S.C. § 1546(a) – Visa fraud

Penalties: maximum of 10 years imprisonment, 3 years supervised release, \$250,000 fine, and \$100 special assessment

Count Three: 18 U.S.C. §§ 1589 and 1594 – Forced labor and attempted forced labor

Penalties: maximum of 20 years imprisonment, 3 years supervised release, \$250,000 fine, and \$100 special assessment

Count Four: 18 U.S.C. § 1592 – Unlawful conduct regarding documents in furtherance of servitude

Penalties: maximum of 5 years imprisonment, 3 years supervised release, \$250,000 fine, and \$100 special assessment

Count Five: 8 U.S.C. § 1324(a)(1)(A)(iii) and (B)(i) – Harboring an illegal alien for private financial gain

Penalties: maximum of 10 years imprisonment, 3 years supervised release, \$250,000 fine, and \$100 special assessment

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

v.

CR-08-390-CW

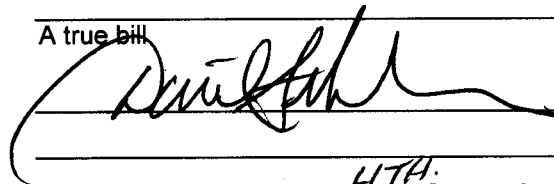
MABELLE DE LA ROSA DANN
a/k/a MABELLE DE LA ROSA CRABBE,

DEFENDANT(S).

SUPERSEDING INDICTMENT

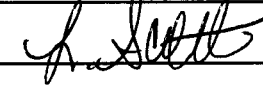
18 U.S.C. §§ 371 and 1546 – Conspiracy to Commit Visa Fraud; 18 U.S.C. §1546 – Visa Fraud; 18 U.S.C. §§ 1589 and 1594 – Forced Labor; 18 U.S.C. § 1592 – Unlawful Conduct Regarding Documents in Furtherance of Servitude; 8 U.S.C. §§ 1324(a)(1)(A)(iii) and (B)(i) – Harboring an Illegal Alien for Private Financial Gain

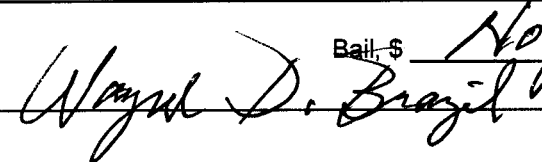
A true bill


Foreman

Filed in open court this 4TH day of

FEBRUARY 2009


Clerk

 Bail, \$ No process 2/4/09

FILED
FEB - 4 2009
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED
FEB - 4 2009
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MABELLE DE LA ROSA DANN
(a/k/a MABELLE DE LA ROSA
CRABBE),

Defendant.

No. CR 08-0390 CW

VIOLATIONS:

18 U.S.C. §§ 371 and 1546 – Conspiracy to
Commit Visa Fraud; 18 U.S.C. § 1546 –
Visa Fraud; 18 U.S.C. §§ 1589 and 1594 –
Forced Labor; 18 U.S.C. § 1592 – Unlawful
Conduct Regarding Documents in
Furtherance of Servitude; 8 U.S.C.
§§ 1324(a)(1)(A)(iii) and (B)(i) – Harboring
an Illegal Alien for Private Financial Gain

OAKLAND VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. §§ 371 and 1546 – Conspiracy to Commit Visa Fraud)

1. Beginning sometime unknown to the Grand Jury, but no later than in or about
June 2005, and continuing through in or about June 2008, in the Northern District of California
and elsewhere, the defendant,

MABELLE DE LA ROSA DANN,

did knowingly and willfully conspire with other persons, known and unknown to the Grand Jury,
to commit offenses against the United States, specifically, to knowingly use, attempt to use,
possess, obtain, accept, and receive a nonimmigrant visa, namely, a B1 visa with control number

SUPERSEDING INDICTMENT
No. CR 08-0390 CW

1 ending in "0001" issued on or about September 8, 2005 in the name of Z.P.C., which the
2 defendant knew to be procured by means of a false claim and statement and fraud and otherwise
3 unlawfully obtained, in violation of Title 18, United States Code, Section 1546(a).

4 MANNER AND MEANS OF THE CONSPIRACY

5 2. It was part of the conspiracy that defendant and others known and unknown to the
6 Grand Jury would and did assist Z.P.C. in fraudulently obtaining a visa, including assistance with
7 the visa application form and interview, to enable Z.P.C.'s entry into the United States.

8 3. It was further part of the conspiracy that defendant and others known and
9 unknown to the Grand Jury would and did assist Z.P.C. in traveling from Peru to the United
10 States, specifically, Walnut Creek, California, in the Northern District of California, to enable
11 Z.P.C. to reside with and work for defendant as a domestic servant.

12 4. It was further part of the conspiracy that defendant and others known and
13 unknown to the Grand Jury would and did possess Z.P.C.'s visa for the purpose of exercising
14 control over and obtaining the labor and services of Z.P.C. for defendant.

15 OVERT ACTS

16 5. As part of the conspiracy, to further the objects thereof and in order to enable
17 Z.P.C. to travel into the United States to work for defendant, defendant and others known and
18 unknown to the Grand Jury ("unindicted coconspirators") did the following:

19 a. Assisted Z.P.C. in fraudulently obtaining a B1 visa with control number
20 ending in "0001" issued on or about September 8, 2005, which enabled Z.P.C. to enter
21 the United States for purposes of working for defendant;

22 b. Paid for other individuals, including one or more unindicted
23 coconspirators, to meet with, prepare and assist Z.P.C., from in or about June 2005 until
24 in or about September 2005, in fraudulently obtaining a B1 visa with control number
25 ending in "0001" issued on or about September 8, 2005, including completion of the visa
26 application form and answering questions during the visa interview;

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1 c. On or about August 30, 2005, an unindicted coconspirator signed a
2 Nonimmigrant Visa Application for Z.P.C. that falsely stated that Z.P.C. was employed
3 by that unindicted coconspirator;

4 d. On or about August 30, 2005, an unindicted coconspirator signed a
5 Nonimmigrant Visa Application for Z.P.C. that falsely stated that the purpose of Z.P.C.'s
6 trip was tourism and that Z.P.C. was not intending to work in the United States;

7 e. On or about August 30, 2005, an unindicted coconspirator signed a
8 Nonimmigrant Visa Application for Z.P.C. that falsely stated that Z.P.C. would stay at the
9 Hotel Paradise Inn in Miami during her stay in the United States and that Z.P.C. intended
10 to stay for seven days;

11 f. Arranged for an unindicted coconspirator to accompany Z.P.C. to the
12 United States Embassy in Lima, Peru for Z.P.C.'s visa application interview in or about
13 September 2005;

14 g. Arranged and paid for an unindicted coconspirator to accompany Z.P.C. to
15 fly from Peru to San Francisco, California on or about July 27, 2006;

16 h. Defendant and the unindicted coconspirator who accompanied Z.P.C. from
17 Peru to the United States possessed Z.P.C.'s passport and B1 visa with control number
18 ending in "0001" from shortly after the time Z.P.C. received the visa until execution of a
19 federal search warrant at the home of defendant on or about June 6, 2008, with the
20 exception of occasions where Z.P.C. briefly held the visa in the presence of defendant and
21 the unindicted coconspirator, such as when she was required to display her passport and
22 visa to United States immigration authorities upon entering the United States on or about
23 July 27, 2006;

24 i. On or about July 27, 2006, defendant took possession of Z.P.C.'s passport
25 and visa from the unindicted coconspirator who accompanied Z.P.C. from Peru to the
26 United States;

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28 //

j. On multiple occasions between in or about July 2006 and in or about April 2008, defendant "reminded" Z.P.C. that defendant was in possession of Z.P.C.'s visa, passport, and other government identification; and

k. On or about April 16, 2008, defendant, while in possession of Z.P.C.'s visa, passport, and other government identification, and in response to an inquiry from the Walnut Creek Police Department, falsely denied being in possession of such documents. All in violation of Title 18, United States Code, Section 371.

COUNT TWO: (18 U.S.C. § 1546(a) – Visa Fraud)

6. Beginning sometime unknown to the Grand Jury, but no later than in or about June 2005, and continuing through in or about June 2008, in the Northern District of California and elsewhere, the defendant,

MABELLE DE LA ROSA DANN,

did knowingly use, attempt to use, possess, obtain, accept, and receive a nonimmigrant visa, namely, a B1 visa with control number ending in "0001" issued on or about September 8, 2005 in the name of Z.P.C., which the defendant knew to be procured by means of a false claim and statement and fraud and otherwise unlawfully obtained, specifically, that the visa application falsely stated that:

- a. Z.P.C. was employed by S.L.R.F.;
- b. The purpose of Z.P.C.'s trip was tourism;
- c. Z.P.C. was not intending to work in the United States;
- d. Z.P.C. would stay at the Hotel Paradise Inn in Miami during her stay in the United States; and
- e. Z.P.C. intended to stay in the United States for seven days.

All in violation of Title 18, United States Code, Section 1546(a).

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1 COUNT THREE: (18 U.S.C. §§ 1589 and 1594(a) – Forced Labor and Attempted Forced Labor)

2 7. Beginning in or about July 2006 and continuing through in or about April 2008, in
3 the Northern District of California, the defendant,

4 MABELLE DE LA ROSA DANN,

5 did knowingly obtain and attempt to obtain the labor and services of Z.P.C. through:

- 6 a. threats of serious harm to Z.P.C. and other persons;
7 b. means of a scheme, plan and pattern intended to cause Z.P.C. to believe
8 that if she did not perform such labor and services, she and other persons would suffer
9 serious harm; and
10 c. means of the abuse and threatened abuse of the law and legal process.

11 All in violation of Title 18, United States Code, Sections 1589 and 1594(a).
12

13 COUNT FOUR: (18 U.S.C. § 1592 – Unlawful Conduct Regarding Documents in Furtherance of
14 Servitude)

15 8. Beginning in or about July 2006 and continuing through in or about April 2008, in
16 the Northern District of California, the defendant,

17 MABELLE DE LA ROSA DANN,

18 did knowingly conceal, remove, confiscate, and possess the actual and purported passport,
19 immigration document, and government identification document of Z.P.C. in the course of a
20 violation of Title 18, United States Code, Sections 1589 and 1594(a), and with intent to violate
21 Title 18, United States Code, Section 1589, and to prevent and restrict and to attempt to prevent
22 and restrict, without lawful authority, Z.P.C.'s liberty to move and travel, in order to maintain the
23 labor and services of Z.P.C., when Z.P.C. was and had been a victim of a severe form of
24 trafficking in persons as defined in Title 22, United States Code, Section 7102, all in violation of
25 Title 18, United States Code, Section 1592.

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28 //

COUNT FIVE: (8 U.S.C. §§ 1324(a)(1)(A)(iii) and (B)(i) – Harboring an Illegal Alien for Private Financial Gain)

9. Beginning in or about July 2006 and continuing to in or about April 2008, in the Northern District of California, the defendant,

MABELLE DE LA ROSA DANN,
knowing and in reckless disregard of the fact that an alien, namely, Z.P.C., had come to, entered, and remained in the United States in violation of law, did conceal, harbor, and shield from detection, and did attempt to conceal, harbor, and shield from detection, such alien in buildings and other places, for the purpose of private financial gain, all in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and (B)(i).

DATED: February 4, 2009

A TRUE BILL

FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney

W. Douglas Sprague
Chief, Oakland Branch

(Approved as to form: AUSA HUANG)